

Planning Commission Meeting for New Castle City took place on April 25, 2011 at 6:30 p.m. in the City of New Castle's Town Hall.

Members Present: David Bird, Chair*
Bill Simpson, Co-Chair
Joe DiAngelo
Dorsey Fiske
Susan Marinelli
Florence Smith
Vera Worthy

Member Absent: Dr. Jack Norsworthy

*Mr. Bird participated in meeting by way of Pollycom; Mr. Simpson presided.

Also Present: City Planner Marian Hull, URS, Building Inspector Jeff Bergstrom

Mr. Simpson called the meeting to order at 6:40 p.m. Roll call was taken.

Approval of Minutes – Ms. Marinelli questioned text concerning a motion and amendment to motion dealing with the Comprehensive Plan Zoning Amendments. Clarification was provided. (*Ms. Marinelli will be provided a copy of the recording, per request.*) A motion was made and seconded to approve the minutes of the March 2011 meeting. The minutes were adopted.

Outdoor Non-Conforming Use Issues in the Proposed Gateway District Zoning – Mr. Simpson questioned why this appears on the agenda. Ms. Hull informed the issue was not on the agenda last month. It appears on this month's agenda to allow the public to speak on the subject. No one was in the audience in support or opposition of this matter.

Ms. Marinelli made a motion to reaffirm the vote taken at the last meeting. Ms. Fiske seconded the motion which was passed unanimously.

Discussion of the City Comprehensive Plan, the Section: Goal No. 4 of the Housing Plan, with a Proposed Code Amendment from Mr. Shawn Tucker – Ms. Hull and Solicitor Losco were requested to prepare suggested amendments to the draft redevelopment ordinance that is before this body for recommendation to City Council. Mr. Tucker has received proposed revisions from Ms. Hull that are consistent with discussion at the last meeting. The current comprehensive development plan was adopted by City Council and certified by the State Planning Office that provides for the creation of a redevelopment ordinance that needs to contain specific factors that are to be incorporated in that new ordinance. He has worked with the former Solicitor (Roger Akin) and others on a draft ordinance that incorporates the comprehensive plan factors. At last month's meeting there was discussion about direction to be taken.

Mr. Tucker offered that this body now needs to determine if the current draft, as amended by Ms. Hull, is consistent or inconsistent with the comprehensive development plan that carries the force of law at this time in the City. All of the factors called for in the Comprehensive Plan have been incorporated into the ordinance.

He deferred to Ms. Hull to review the amendments she has suggested. (*Copies of the amendments were provided to Commissioners.*)

Ms. Hull reviewed the text that is new. Two items discussed were not having a specific list of what the City needs to put together, maintain and be responsible for, but rather having an application process and a set of criteria for what constitutes a property being eligible for redevelopment. It would come before the Planning Commission then City Council for review. Ultimately the decision of whether the property is eligible for redevelopment would be left to the City.

The second matter involved the concept of what kinds of design standards should be in place. The thinking is it needs to be more than what is in the comprehensive plan but didn't need the detail that is in the proposed Gateway District ordinance.

Ms. Hull reviewed both amendments in detail. Commissioners followed with questions/concerns.

Mr. Simpson revisited a suggestion made at the March 2011 meeting to waive fees for a redevelopment project to the Board of Adjustment (or other organizations) for anything (building plan, review, construction permit) and any approvals needed to be performed within 45 days and that two (2) City Council meetings would take place in that time span. This would be more of an incentive than existing variances to get applications acted on. Mr. DiAngelo supports waiving fees and adding same to the ordinance. Mr. Simpson said the City has spent a lot of money trying to bring some properties up to Code or to look nicer to no avail and waiving fees may be more cost effective.

Mr. Bird likes the added incentive but cautioned to have Solicitor Losco review the language prior to recommending. City Council would still need to act on it and they would also want the City Solicitor's input. Ms. Hull is not sure that 45 days is a realistic time frame. She noted 60 days is more reasonable based on her experience with the City. (*Further discussion followed.*) Mr. Simpson stated the application 'due date' needs to be timed to ensure everyone sees an application before voting. Ms. Hull's concern is that the Planning Commission doesn't try to do the process in a tight time frame that could result in a negative recommendation.

Mr. Bird asked what happens to an application if a decision is not rendered with the time frame noted. Mr. Simpson's position is that if it is not voted on in the noted time frame then the application is approved. The applicant should not be penalized. Some Commissioners expressed concern with this. (*Additional discussion took place.*) Mr. Simpson's intentions are to keep applicants from getting frustrated by repeated delays.

Discussion turned to path forward on the recommendation to City Council.

Mr. Bergstrom's input was requested. Fees can be exempted but the City is not exempted from doing the work. Fees reflect the expertise (professional engineers, planning reviewers, inspections) needed. His belief is that the Planning Commission is charged with making a recommendation about this ordinance as written with suggestions to City Council and let that body decide how to fast track applications.

Mr. DiAngelo recommended waiving the Board of Adjustment fee only. Mr. Bird said the Commission could always go forward with the proposed amendment and look at fees more in depth before making an additional recommendation or go with the Board of Adjustment fee now. Mr. Simpson offered another option to recommend as it is written with a suggestion to City Council to waive some fees and add a time limit on approval and let Council determine what fees to waive and let Council develop it. (Additional discussion that included property owners taking advantage and being rewarded for letting their property deteriorate was reiterated.)

Mr. Tucker noted that Ms. Hull's amendment giving City Council complete discretion on whether an applicant should or should not be included on the list would enable the City to recognize anyone who might be 'working' the system.

Mr. Bird made a motion to recommend to City Council the amendment to the ordinance most recently submitted with the additional recommendation that City Council consider waiving specific fees in order to provide an added incentive to people utilizing the amendment to this ordinance and consider setting a time frame for review and decision. Ms. Fiske seconded the motion.

A roll call vote was called.

Mr. DiAngelo – voted in favor to amend the ordinance which will benefit recipients of this ordinance.

Ms. Smith – voted in favor to amend the ordinance.

Ms. Worthy – voted in favor to amend the ordinance.

Ms. Marinelli – voted in favor to amend the ordinance.

Ms. Fiske – voted in favor to amend the ordinance.

Mr. Bird – voted in favor to amend the ordinance for the reasons stated; the incentive to revitalize properties that have been disregarded; it is a good amendment.

Mr. Simpson – voted in favor to amend the ordinance because it puts emphasis on our intent in the Comprehensive Plan to redevelop such properties in the City.

The motion was passed by unanimous vote.

Discussion of Planning Studies for 2010-2011

Unsuccessful WILMAPCO Grant Application – Ms. Hull expressed disappointment in communication provided by WILMAPCO indicating the waterfront plan would be eligible for this transportation funding. It was indicated WILMAPCO was seeking applications from New Castle County. The reason the application was ineligible was that it was not transportation related enough in their opinion. (*Discussion.*)

Ms. Gail Sykes, Historic New Castle Alliance, stated the grant submitted to WILMAPCO was a joint effort between the Planning Commission, City and Alliance. They had several meetings about the waterfront and want to move forward but need a concept plan in place. They had hoped to obtain this grant to fund a concept plan. She inquired if the Planning Commission is interested in doing something on a lesser scale (parking, greenways) and perhaps getting some funding from the City. WILMAPCO offered to help with greenways and parking when our application was declined. They have met with engineering groups to

do a concept study on the waterfront. They are also meeting with stakeholders and City entities. The City was going to match the WILMAPCO request with \$6,250 and she asked if it may be possible to use those funds to get the concept study done on the waterfront. She asked for suggestions.

Mr. Simpson suggested having a firm scope of work before approaching the City. The scope of work would include the work to be accomplished, the time frame and costs involved.

According to Mr. DiAngelo, Councilman Gaworski is considering extending the catwalk from one pier to another. Mr. Simpson said if she plans on using the existing ice breaker it is going to be very expensive to correct. He also thinks the catwalk should be condemned because it is structurally unsound.

Mr. Bird asked Ms. Hull what she will recommend going forward. He noted the capital improvements program that was put on hold to work on the grant. We are approaching the end of this budget year and going into a new budget year and will put together a request for City Council. She said we could go forward with the capital improvements program that needs to be approved by Council first or investigate with Council about rolling this money over to next year and using both years' funding to concentrate on the waterfront, which is a priority of the City. Another option is to spend this year's money on a smaller scope of work on the waterfront.

Mr. Bird said the Historic New Castle Alliance was encouraged to develop a concept plan but was not informed what the minimum requirements are to enable the City to move forward with applying for State and possibly Federal grants administered through the State. One possibility is for URS to contact State personnel to learn what requirements are needed for a concept plan. This information will be helpful when going through our budget process for next year.

Mr. Simpson would like to make New Castle the fourth fort on the three forts ferry tour. Ms. Sykes agreed. Docking facilities would be an issue.

Mr. Bird asked that Ms. Hull check on a reduced-requirements concept plan for our next meeting. This would give the Commission a better idea for its budget proposal for next year. Ms. Hull will also contact WILMAPCO to learn about their offer to help with greenways and parking. *(Lengthy discussion about concept plans took place.)*

Budget Review – Mr. Simpson reported that there has been no change. He did receive an invoice that includes services for items that were not considered when we prepared our budget the year before. He maintains more funds should be requested in the Planning Commission's budget. Mr. Bird should know when the Commission's budget hearing will be at our next meeting. He would like to look at this past year to see what the Planning Commission was charged against our allocation.

Commission Member Comments

Mr. DiAngelo inquired on the status of sidewalks on Washington Street. Mr. Bird said it is a part of DelDOT improvements in that area and work should begin soon.

He also inquired about the status of the Gateway ordinance. Ms. Hull responded that she has asked Ms. Thomas whether it is on the May or June agenda for City Council and it is not on either agenda. They have done the first and second readings but are looking at the non-conforming uses. The Planning Commission's thoughts have been provided to them.

Mr. Bird informed that three members' terms are due to expire in April. Commission members serve until their replacement is appointed. If any of these Commissioners are interested in continuing they should express their intentions to the Mayor.

At the last WILMAPCO Public Advisory Meeting Mr. Bird said the DelDOT rail planning section has a 2012 study to look at rail service from Wilmington to Dover and possibly to the beach using flat railroad lines. A consultant has been identified. This is a topic the Planning Commission has discussed previously.

A study is underway for a U.S. 13 corridor through New Castle County and Ms. Sykes attended a recent meeting. The City of New Castle is included in that corridor for economic development. Mr. Bird advised the Planning Commission needs to monitor this.

Comments from the Public – None.

Next Meeting – The next scheduled meeting is 4/25/11 at 6:30 p.m.

Adjournment – **A motion was made and seconded to adjourn the meeting. The meeting was adjourned at 8:45 p.m.**

Respectfully submitted,

Debbie Turner

Debbie Turner
Stenographer